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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

LEONARD SARJA,)	
)	
Plaintiff,)	
)	
Vs.)	
)	
)	Case No. 3:08-CV-
)	
UNITED STATES OF AMERICA,)	
)	<u>COMPLAINT</u>
Defendants.)	
_____)	

COMES NOW plaintiff Leonard Sarja and for his causes of action against defendant United States of America, states as follows:

I. JURISDICTION

1. At all times relevant hereto, Leonard Sarja was a resident of Nome, Alaska.

2. This cause of action arises under the Federal Tort Claims Act 28 U.S.C. §§ 1346, 2401, and 2671, et. seq.

3. At all times relevant hereto, Norton Sound Health Corporation and its health care providers were acting in the scope of their agency/employment with the United States of America.

5. More than six months ago, and within two years of the two years of the discovering the acts giving rise to the claims set forth herein, these claims were presented to the United States Department of Health and Human Services, Public Health Service. The agency made a final disposition of the claims within the six month period and plaintiff deems such failure to be a denial of their claims pursuant to 28 U.S.C. § 2675.

6. Based on paragraphs 1-5 above, this court has jurisdiction over the claims asserted herein.

II. FACTS

7. On or about August 5, 2005 Plaintiff fell from his bicycle injuring his neck and causing a scalp laceration requiring sutures. He went to the emergency room at Norton Sound and was evaluated and discharged without a prescription and without taking diagnostic x-rays.

8. Thereafter, he returned to the emergency room at Norton Sound after a few hours with constant neck pain and relayed to Norton Sound employees/agents that he was still in

pain and requested X-rays. X-rays were taken but read as negative. Mr. Sarja was discharged with a neck brace.

9. Thereafter, having lived with constant pain in his neck, Plaintiff went to the Mayo clinic where X-rays were taken and he was diagnosed with an odontoid fracture in his neck.

10. Thereafter, Mr. Sarja was evaluated for surgery in Seattle but it was determined that he was no longer a surgical candidate because of the delay in diagnosis which allowed improper healing at the fracture site, causing his constant and debilitating pain.

III. CAUSES OF ACTION

A. NEGLIGENCE

11. Plaintiff incorporates the allegations set forth in Paragraphs 1-10.

12. The employees/agents of Norton Sound were negligent in their evaluation, diagnosis and/or treatment of Plaintiff, either because they lacked the degree of knowledge or skill possessed and/or they failed to exercise the degree of care ordinarily exercised under the circumstances by health care providers in the field or specialty in which those doctors and employees/agents were practicing.

13. Such negligent acts include, but are not limited to the failure to properly diagnose a odontoid fracture, failure to

timely diagnose and appreciate the severity of the fracture, failure to timely treat the odontoid fracture.

14. The negligent care and conduct of Norton Sound and its employees and/or agents were a direct and proximate cause of Plaintiff's injuries and pain suffering.

WHEREFORE, Plaintiff prays for relief as follows:

1. Compensation for all categories of damages allowed in the total amount stated on Plaintiff's Standard Form 95;

2. Compensation for pain and suffering and severe emotional distress and any other damages suffered as determined at trial; and

3. All costs and other relief that is just

DATED this 07th day of October 8, 2008

LAW OFFICES OF Jason Skala
Counsel for Plaintiff Leonard Sarja

By: s/_Jason Skala

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